

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

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In re:	:	Case No. 21-22589-GLT
	:	
Kathleen Powell,	:	Related to Dkt. No. 58
	:	
Debtor(s).	:	Hearing: October 12, 2022 at 3:00 PM
	:	

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**ORDER CONVERTING CASE UNDER CHAPTER 13 TO  
CASE UNDER CHAPTER 7, SETTING DEADLINES, SCHEDULING  
STATUS CONFERENCE, AND TERMINATING WAGE ATTACHMENT**

The Debtor(s) has filed a motion to convert her chapter 13 case in accordance with *11 U.S.C. §1307(a)* to a case under chapter 7 of the Bankruptcy Code (title 11 of the United States Code).

**AND NOW**, based upon the foregoing, it is **ORDERED, ADJUDGED, and DECREED** that:

- (1) Any party-in-interest that challenges the good faith of the conversion shall, on or before ***September 20, 2022***, file a motion setting forth the basis of the challenge and specifically identifying the relief requested in the event conversion is found not to have been made in good faith.
- (2) The wage attachment(s) issued in this case are immediately ***TERMINATED***. The Debtor(s) shall serve a copy of this order on the employer(s).
- (3) ***No later than September 6, 2022***, the Debtor(s) shall file a schedule of all unpaid debts incurred after the commencement of the chapter 13 case and before conversion. *Bankruptcy Rule 1019(5)(B)(i)*.
- (4) ***No later than September 6, 2022***, the Debtor(s) shall file the statements and schedules required by *Bankruptcy Rules 1019(1)(A)* and *1007(b)*, if such documents have not already been filed.
- (5) ***No later than September 22, 2022***, the Debtor(s) shall file a statement of intention with respect to retention or surrender of estate property which secures a debt, as required by *11 U.S.C. §521(a)(2)* and *Bankruptcy Rule 1019(1)(B)*, and conforming to *Official Form 8*.
- (6) The chapter 13 trustee shall forthwith turn over to the chapter 7 trustee all records and property of the estate remaining in the chapter 13 trustee's custody and control, as required by *Bankruptcy Rule 1019(4)*, except that any remaining funds

that do not constitute property of the chapter 7 estate shall be returned to the Debtor(s).

- (7) ***Within 60 days*** of the date of this *Order*, the chapter 13 trustee shall file an accounting of all receipts and distributions made. The Court retains jurisdiction over the *Chapter 13 Trustee's Report of Receipts and Disbursements and Final Report and Account*. Upon submission of the *UST Form 13-FR-S: Chapter 13 Trustee's Final Report and Account*, the chapter 13 trustee is discharged from her duties in this case.
- (8) ***No later than September 22, 2022***, the Debtor(s) shall, if the case is converted after the confirmation of a plan, file:
- (a) a schedule of all property not listed in the final report and account of the chapter 13 trustee which was acquired after the commencement of the chapter 13 case but before the entry of this conversion order. *Bankruptcy Rule 1019(5)(C)(i)*;
  - (b) a schedule of unpaid debts not listed in the chapter 13 trustee's final report and account. *Bankruptcy Rule 1019(5)(C)(ii)*; and
  - (c) a schedule of executory contracts and unexpired leases entered into or assumed after the commencement of the chapter 13 case but before the entry of this conversion order. *Bankruptcy Rule 1019(5)(C)(iii)*.

The schedule of claimants under subsection (b) of this paragraph shall be filed by entering additional claimants into the CM/ECF system via "Creditor Maintenance." A list of said claimants shall be attached to the *Bankruptcy Rule 1019 Report*.

It is **FURTHER ORDERED** that if the Debtor(s) fail(s) to file the documents required by this *Order* and *Bankruptcy Rule 1019* by the aforesaid dates, a status conference shall be held on October 12, 2022 at 3:00 PM, in Courtroom A, 54th Floor, U.S. Steel Tower, 600 Grant Street, Pittsburgh, Pennsylvania 15219, to determine whether additional relief is necessary to compel compliance with the terms of this *Order*.

It is **FURTHER ORDERED** that the Clerk shall send the notice required by *Bankruptcy Rule 1019(6)*. If the reports and schedules per paragraphs 3, 8(b) and 8(c) of this *Order* are filed in time for the Clerk to include post-petition creditors in the § 341 notice mailing, the Clerk shall so include the post-petition creditors in that mailing. If said report and schedules are not filed in time for inclusion of the post-petition creditors in the § 341 notice mailing, ***within ten days of the filing of said report and schedules***, the Clerk shall send the notice required by *Bankruptcy Rule 1019(6)*.

It is **FURTHER ORDERED** that ***within 45 days*** of the date of this *Order*, all chapter 13 fee petitions by any professional shall be self-scheduled and filed with the Clerk of the Bankruptcy Court. The fee petition shall be captioned "Chapter 13 Fee Petition in Converted Case," and the hearing shall be self-scheduled on Judge Taddonio's chapter 13 motions calendar.

It is **FURTHER ORDERED** that *within five days* hereof, counsel for the Debtor a copy of this *Order* on all creditors in the above-captioned case and *shall file a Certificate of Service* with the Clerk of the Bankruptcy Court.

Dated: August 23, 2022

  
\_\_\_\_\_  
GREGORY L. TADDONIO  
UNITED STATES BANKRUPTCY JUDGE

Case administrator to mail to:

Donald R. Calaiaro, Esq.  
Kathleen Powell  
Ronda J. Winnecour, Esq.  
Office of the U.S. Trustee

In re:  
Kathleen Powell  
Debtor

Case No. 21-22589-GLT  
Chapter 7

## CERTIFICATE OF NOTICE

District/off: 0315-2  
Date Rcvd: Aug 23, 2022

User: auto  
Form ID: pdf900

Page 1 of 2  
Total Noticed: 2

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 25, 2022:

Recip ID	Recipient Name and Address
db	+ Kathleen Powell, 136 S. 20th Street, Pittsburgh, PA 15203-2052

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
	+ Email/Text: bnc@chapter13trusteedpa.com	Aug 23 2022 23:38:00	Ronda J. Winnecour, Esq., Ste. 3250 U.S. Steel Tower, 600 Grant St., Pittsburgh, PA 15219-2702

TOTAL: 1

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

## NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 25, 2022

Signature: /s/Gustava Winters

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 23, 2022 at the address(es) listed below:

Name	Email Address
Brian Nicholas	on behalf of Creditor U.S. Bank National Association as trustee, in trust for registered holders of Chase Funding Mortgage Loan Asset-Backed Certificates, Series 2004-1 bnicholas@kmlawgroup.com
Donald R. Calaiaro	on behalf of Debtor Kathleen Powell dcalaiaro@c-vlaw.com kmosur@c-vlaw.com:ssimmons@c-vlaw.com;jadam@c-vlaw.com;apratt@c-vlaw.com;mpeduto@c-vlaw.com;mlocke@c-vlaw.com
Donald R. Calaiaro	

District/off: 0315-2

User: auto

Page 2 of 2

Date Rcvd: Aug 23, 2022

Form ID: pdf900

Total Noticed: 2

on behalf of Attorney Calaiaro Valencik dcalaiaro@c-vlaw.com  
kmosur@c-vlaw.com;ssimmons@c-vlaw.com;jadam@c-vlaw.com;apratt@c-vlaw.com;mpeduto@c-vlaw.com;mlocke@c-vlaw.com

Jeffrey R. Hunt

on behalf of Creditor Pittsburgh Water & Sewer Authority jhunt@grblaw.com

Jeffrey R. Hunt

on behalf of Creditor County of Allegheny jhunt@grblaw.com

Jeffrey R. Hunt

on behalf of Creditor City of Pittsburgh & Pittsburgh School District jhunt@grblaw.com

Keri P. Ebeck

on behalf of Creditor Duquesne Light Company kebeck@bernsteinlaw.com jbluemle@bernsteinlaw.com

Mark B. Peduto

on behalf of Debtor Kathleen Powell mpeduto@c-vlaw.com  
jadam@c-vlaw.com;ssimmons@c-vlaw.com;kmosur@c-vlaw.com;apratt@c-vlaw.com

Natalie Lutz Cardiello

ncardiello@cardiello-law.com ncardiello@ecf.axosfs.com

Office of the United States Trustee

ustpre03.pi.ecf@usdoj.gov

Ronda J. Winnecour

cmecf@chapter13trusteedpa.com

S. James Wallace

on behalf of Creditor Peoples Natural Gas Company LLC ecfpeoples@grblaw.com PNGbankruptcy@peoples-gas.com

William M. Buchanan

on behalf of Creditor WBL SPO II LLC wbuchanan@cohenseglia.com,  
williammbuchanan@yahoo.com;ddefoor@cohenseglia.com

William M. Buchanan

on behalf of Creditor WBL SPO I LLC wbuchanan@cohenseglia.com,  
williammbuchanan@yahoo.com;ddefoor@cohenseglia.com

TOTAL: 14